

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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|--------------------------|---|----------------------------|
| GEORGE CASSEM,           | ) |                            |
|                          | ) |                            |
| Charging Party           | ) | Cause No. 0038010425       |
|                          | ) |                            |
| vs.                      | ) | <b>ORDER AFFIRMING</b>     |
|                          | ) | <b>NOTICE OF DISMISSAL</b> |
|                          | ) |                            |
| SECURED ARMORED EXPRESS, | ) |                            |
|                          | ) |                            |
| Respondent.              | ) |                            |

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On August 11, 2003 the Human Rights Bureau served a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. On August 22, 2003, George Cassem (Charging Party) filed an objection to the Montana Human Rights Commission (Commission). Charging Party initially requested oral argument, but waived this request on the day before the scheduled Commission hearing. Security Armored Express (Respondent) appeared through representatives, but did not submit additional argument. The Commission considered the matter on November 20, 2003.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Charging Party's assertion that Respondent had refused to promote Charging Party into a position with its armored division because he had registered a sexual harassment complaint against a co-worker.

On appeal to the Commission, Charging Party Cassem argued Respondent's refusal to place him in an armored car position was related to his complaint of sexual harassment. Charging Party asserted his sensitivity or reaction to the sexual harassment does not transfer to an ability to perform the job. In response, Respondent asserted it did not consider Charging Party's claim of harassment in its employment decisions. When Charging Party complained of harassment, Respondent dealt with the incident swiftly and appropriately. The Respondent argues it has worked with the Charging Party at providing a successful work environment.

After careful and due consideration, the Commission concludes the finding of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont. Code Ann.*

§ 49-2-509(5) and Admin. R. Mont. 24.9.1714(5) If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and notice of dismissal is affirmed.

Dated this \_\_\_\_\_ day of December 2003

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Mr. Gary Hindoien, Chair  
Montana Human Rights Commission

## CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on December\_\_\_\_, 2003.

GEORGE CASSEM  
PO BOX 211  
SIMMS MT 59477

CHRIS SANDROCK  
SECURITY ARMORED EXPRESS  
PO BOX 4937  
HELENA MT 59604

MARIEKE BECK  
DEPARTMENT OF LABOR AND INDUSTRY  
OFFICE OF LEGAL SERVICES  
PO BOX 1728  
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Montana Human Rights Bureau